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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,980	07/11/2000	Leonard E. Marchese	11590/9-1268	1815

7590 11/23/2009
William J SaponE, (REG. NO. 32,518)
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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2451

MAIL DATE	DELIVERY MODE
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11/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LEONARD E. MARCHESE

Application No. 09/613,980
Technology Center 2400

Mailed: November 23, 2009

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed January 26, 2006, does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items.

Upon an in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief filed January 26, 2006:

- 1) Evidence Appendix,
- 2) Related Proceedings Appendix

In the interest in efficiency, it is requested that a complete Appeal Brief be filed at the time that Appellant responds to this Order and/or the Examiner's Notice of Non-Compliance.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed January 26, 2006, defective;
- 2) for appellant to file a complete Substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) consider and/or acknowledge the Substitute Appeal Brief; and

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4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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